

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

HENRY ALFRED THOMAS,
Petitioner,
VS.

NATHANIEL QUARTERMAN, Director,
T.D.C.J., Correctional
Institutions Div.,
Respondent.

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§ CIVIL ACTION NO. 4:06-CV-901-Y
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ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

Before the Court is the petition for writ of habeas corpus under 28 U.S.C. § 2254 of inmate/petitioner Henry Alfred Thomas, along with the January 19, 2007, findings, conclusions, and recommendation of the United States magistrate judge. The magistrate judge gave the parties until February 9 to file written objections to the findings, conclusions, and recommendation. As of the date of this order, no written objections have been filed.

The Court has reviewed the pleadings and the record in this case, and has reviewed for clear error the proposed findings, conclusions, and recommendation of the United States magistrate judge filed on January 19, 2007. The Court concludes that the petition for writ of habeas corpus should be dismissed without prejudice to inmate Thomas's right to seek relief in a civil action under 42 U.S.C. § 1983, for the reasons stated in the magistrate judge's findings and conclusions.

Therefore, the findings, conclusions and recommendation of the magistrate judge are ADOPTED.

Henry Alfred Thomas's petition for writ of habeas corpus under 28 U.S.C. § 2254 is DISMISSED without prejudice to his right to seek relief in a civil action under 42 U.S.C. § 1983.

SIGNED February 20, 2007.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE